

More particularly, the pending claims have been restricted by the Examiner into three groups. Claims 1-11 have been established as Group I, and claims 12-19 established as Group II and claim 20 as Group III. Pursuant to 37 C.F.R. §1.142(b), no claims are being canceled hereby.

Applicants respectfully traverse the first restriction requirement as to the process and apparatus for its practice, because the mere conjecture of a different process such as separating various oil components does not by itself describe how or whether such a process is "materially different" from the claimed processed. Failing to set forth proper "material" distinctness is consequently also a failure of a prima facie case of restriction.

Applicants also respectfully traverse the second restriction requirement because combination and subcombination claims are not necessarily unrelated from each other merely because a separate use can be conjectured. As such, combination and subcombination claims are indeed only unrelated from each other when certain sets of facts may be shown. For example, and as set forth in the OA, MPEP §806.05(c) reveals how a proper restriction for distinctness may be made between a combination and a subcombination. However, a proper showing of neither of the two points in 806.05(c) was made. Indeed, though an assertion of the first point was set forth, it was not clear because it still included the subcombination "bags" as a part of the combination. An assertion as to the second point was also arguendo set forth; however it too was not sufficient because a mere assertion of "storing materials" does not explain how this is different or distinct from the claimed combination. Moreover, please note that a mere statement of conclusion is not adequate. MPEP §816. Merely conjecturing a different use such as "separating oil components" or storing materials" is nothing more than conclusory. There is no reasonable explanation of how either conclusion might be sufficiently distinctive in the context of the present invention.

Therefore, proper restriction requirements were not made, whether by different classification or divergent subject matter, and the requirements should thus be withdrawn. Applicants respectfully request such withdrawals.

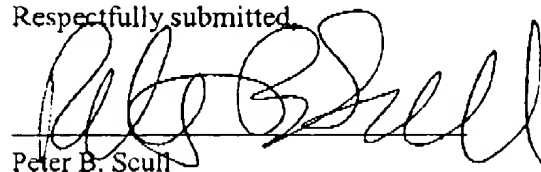
As a further point, Applicants note the Examiner's restriction of species relative to claim 1. Though Applicants respectfully also traverse this restriction. Applicants hereby elect the automated valves of magnetic or electromagnetic character as opposed to the manually-activated type. The preferred distinction for the purposes of this election is between automation (of any type) versus manual activation. No further evidence of distinctness should be necessary.

In view of the foregoing remarks, the objection/restriction presented in the Office Action of July 2, 2002, has hereby been fully obviated/traversed, and can thus be withdrawn. Action to this end is respectfully requested so that claims 1-20 may then be fully examined, allowed and passed to issue.

If there are any questions, or if prosecution can be expedited in any manner by a telephonic conference, the Examiner is urged to call the undersigned at the below-printed telephone number.

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Date

Respectfully submitted



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